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SIPDIS

STATE FOR SCA/INSB AND DRL/ILCSR FOR SARAH MORGAN
STATE FOR G/TIP FOR LUIS CDEBACA
DOL/ILAB FOR LEYLA STROTKAMP, RACHEL RIGBY, TINA MCCARTER

E.O. 12958: N/A

TAGS: EIND ELAB ETRD PHUM SOCI CE

SUBJECT: SRI LANKA: INFORMATION ON FORCED LABOR AND EXPLOITATIVE CHILD LABOR IN THE PRODUCTION OF GOODS FOR MANDATORY CONGRESSIONAL REPORTING REQUIREMENTS

REF: (a) STATE 131995
(b) 09 Colombo 63

1) Tasking 1/TVPRA

The use of forced child labor/exploitative child labor in the production of goods: Post has contacted host government officials, private industry representatives and the International Labor Organization, and all agree that there is no forced child labor or exploitative labor in the formal industry, such as the production of garments. Post provides more detail on other issues in its response to Tasking 2.

2) Tasking 2/TDA

2A) PREVALENCE AND SECTORAL DISTRIBUTION OF EXPLOITATIVE CHILD LABOR

There are no recent national statistics on child labor or exploitative child labor in Sri Lanka. The last national survey on child labor was conducted in 1999. Findings from a U.S. Department of Labor-funded child activity survey carried out by the Department of Census and Statistics in 2008/2009 are not yet available.

According to anecdotal evidence, children, mostly between 14-17 years old, may be engaged in domestic service, street vending, agriculture, construction, mining, factory work, small scale manufacturing, small restaurants, shops and in prostitution. Exploitative child labor situations may exist within these sectors. Post is currently preparing a Trafficking in Persons report which will provide more information on this area.

2B) LAWS AND REGULATIONS

There were no new laws or regulations covering child labor that were enacted in 2009.

The minimum age for employment is 14 years. The minimum age for employment at sea is 15 years. The law limits the work hours of children age 14 and 15 years to 9 hours per day and the work hours of children 16 and 17 years to 10 hours per day. There are regulations governing employment at night of children between 14-17 years. The government has prepared, but not published, regulations governing hazardous child labor aimed at improving the legal structure and protecting children. The law prohibits forced labor,

debt bondage, and all forms of slavery by persons of any age. However, a majority of Sri Lankans work in the informal sector, which is why the survey on actual working conditions will be so important.

Sri Lanka has ratified ILO Convention 182 on Worst Forms of Child Labor. The Penal Code contains provisions prohibiting several hazardous forms of child labor, including child pornography, prostitution and trafficking. It seeks to prevent sexual abuse of children via the internet as well as the soliciting of children for sexual abuse. A 2006 amendment to the Penal Code prohibits the use or recruitment of children (below 18 years) in armed conflict. A jail term of up to 20 years and a fine is prescribed for these offenses covered by the Penal Code. If the victim is under 18 years, the jail term may be increased to 30 years.

In August 2006, the Parliament passed an amendment to the Employment of Women, Young Persons and Children Act of 1956, enabling the Minister of Labor Relations and Manpower to publish regulations that prohibit the employment of persons below the age of 18 years in other hazardous occupations. The Government of Sri Lanka compiled a list of 49 occupations in Sri Lanka that are considered to be hazardous forms of child labor. Forty occupations are unconditional and are to be completely prohibited for children aged 14-18 years, while the remaining nine occupations will be conditionally prohibited upon the publication of the relevant regulation. In 2009, the government drafted necessary regulation to prohibit hazardous forms of child labor. The government has not yet presented the draft to parliament for approval.

2C) INSTITUTIONS AND MECHANISMS FOR ENFORCEMENT- FORCED CHILD LABOR AND HAZARDOUS CHILD LABOR

2C SECTION I- HAZARDOUS CHILD LABOR:

¶1. Agencies responsible: The Department of Labor and the National Child Protection Authority (NCPA) have the legal authority to enforce hazardous child labor laws.

¶2. Exchange of information: The Department of Labor works closely with the Police Unit at the NCPA and the Women and Children's Bureau of the Sri Lanka Police.

¶3. Mechanism for making complaints on hazardous child labor: Two hotlines. Complaints can be made via hotlines of the Women and Children's Bureau of the Sri Lanka Police and the Ministry of Child Development and Women's Empowerment.

¶4. Funding: Not available.

¶5. Number of inspectors: The Labor Department's labor inspectorate consists of 314 officers tasked with enforcing child labor laws in addition to other labor laws. The labor inspectorate is currently short-staffed. There are plans to increase the staff of labor inspectors.

¶6. Number of inspections: The Labor Department received 140 complaints of child labor of children below 14 years.

¶7. Number of children removed from: Not available.

¶8. Cases opened: 9 cases on the violation of child labor laws (employing children below 14 years)

¶9. Cases closed: Not available.

¶10. Convictions: Not available.

¶11. Length of time to resolve a child labor case: About 2 years

¶12. Penalties: Not available.

¶13. Commitment to combat exploitative child labor: During 2009, the Ministry of Labor and Manpower convened a tripartite technical working group on exploitative child labor. The working group was charged with finalizing regulations to prohibit exploitative child labor. The group has finalized regulations. The regulations, however, require parliamentary approval. This may be delayed as parliament may be dissolved and parliamentary elections held by April 2010.

¶14. Government Training for investigators or others responsible for enforcement: In 2009, the Ministry of Labor and Manpower trained 240 labor officers, police officers and probation officers on investigation and prosecution of all forms of child labor violations. The Ministry also conducted approximately 160 training programs on the prevention of child labor for social partners, school children and parents. The Department of Labor also conducted a sticker campaign (10,000 stickers) and distributed 10,000 leaflets to create awareness.

2C SECTION II- FORCED CHILD LABOR:

- ¶1. Agencies responsible: National Child Protection Authority (NCPA), an independent agency under the Ministry of Child Development and Women's Empowerment and the Women and Children's Bureau of the Department of Police.
- ¶2. Exchange of information: NCPA's police division works closely with the Women and Children's Bureau of the Department of Police.
- ¶3. Mechanism for making complaints regarding forced child labor: Complaints can be made via hotlines of the Women's and Children's Affairs Bureau of the Sri Lanka Police and the hotline of the Ministry of Child Development.
- 4 through 12. Not available.
- ¶13. Commitment to combat forced child labor: Forced child labor is not prevalent in Sri Lanka.
- ¶14. Training: Covered by other training programs.

2D INSTITUTIONAL MECHANISMS FOR EFFECTIVE ENFORCEMENT-CHILD TRAFFICKING, COMMERCIAL SEXUAL EXPLOITATION, USE OF CHILDREN IN ILLICIT ACTIVITIES

2D SECTION 1: CHILD TRAFFICKING

Note: Post's consular section is preparing a Trafficking in Persons report that will provide additional information on this issue.

- ¶1. Agencies to enforce child trafficking: National Child Protection Authority (NCPA), an independent agency under the Ministry of Child Development and Women's Empowerment and the Women and Children's Bureau of the Department of Police.
- ¶2. Funding for investigating child trafficking/CSEC and illegal activities: NCPA budget for 2008: Rs 48.5 million (\$429,000 USD)
- and 2009: Rs 40.3 million (\$356,000).
- ¶3. Child trafficking hotline: There are two hotlines for reporting all kinds of abuse against children, at the Women and Children's Bureau of Sri Lanka Police and the Ministry of Child Development and Women's Empowerment.
- ¶4. Investigations : 38 (reported to Children's and Women's Bureau of Sri Lanka Police from January to November 2009) and 10 investigations by the NCPA (there may be duplications between these two groups).
- ¶5. Number rescued: 11 children (NCPA)
- ¶6. Number of arrests: 20 people (NCPA)
- ¶7. Cases closed or resolved: Not available. NCPA filed ten cases in 2009.
- 8 through 12. Not available.

2D SECTION 2: COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN (CSEC)

- ¶1. Agencies to enforce CSEC: National Child Protection Authority (NCPA), an independent agency under the Ministry of Child Development and Women's Empowerment and the Women and Children's Bureau of the Department of Police.
- ¶2. Funding for investigating CSEC: Please see 2D Section 1 above.
- ¶3. CSEC hotline: There are two hotlines for reporting all kinds of abuse against children, at the Children's and Women's Bureau of Sri Lanka Police and the Ministry of Child Development and Women's Empowerment.
- 4 thru 12. Not available.

2D SECTION 3: USE OF CHILDREN IN ILLICIT ACTIVITIES

- ¶1. Agencies to enforce children in illicit activities: National Child Protection Authority (NCPA), an independent agency under the Ministry of Child Development and Women's Empowerment and the Women and Children's Bureau of the Department of Police.
- ¶2. Funding for investigating illicit activities: Please see 2D Section 1 above.
- ¶3. Child illicit activities hotline: There are two hotlines for reporting all kinds of abuse against children, at the Women and Children's Bureau of Sri Lanka Police and the Ministry of Child Development and Women's Empowerment.
- 4 through 12. Not available.

2D-13. Armed Conflict: From 1983 to May 2009 Sri Lanka experienced an armed conflict which involved the use of child soldiers by armed rebel groups. Forced conscription by the separatist Liberation Tigers of Tamil Ealam (LTTE, a U.S.- designated foreign terrorist

organization) and by TMVP, a former LTTE faction, was the gravest problem facing children in Sri Lanka. In December 2008, the Government of Sri Lanka, the TMVP and the United Nations in Sri Lanka signed a tri-partite Action Plan to stop all new recruitment and to release and rehabilitate current and former child soldiers. The armed conflict ended in May 2009. The government has taken steps to rehabilitate children associated with these groups under Emergency Regulation 1580/5 of December 15, 2008 under Section 2A of the Public Security Ordinance. (Please see section 2F below for further details)

2E) GOVERNMENT POLICIES ON CHILD LABOR

The Government of Sri Lanka continues to demonstrate a strong commitment to combating child labor and strives to eliminate child labor through education. Government policies do not support exploitative child labor. Currently the government does not have a specific program to combat exploitative child labor.

Government commitment towards eliminating child labor is shown in various government policy documents. "Mahinda Chintana- A vision for New Sri Lanka: ten year national development plan (2006-2016)", a key economic policy document of the government, contains government policies on combating child labor and exploitative child labor. The policies aim to encourage parents to keep children in school instead of sending them to work, provide social protection to prevent children from ending up in exploitative labor, and take steps to ensure that plantation children go to school.

Traditionally plantation children have been a primary source of child domestic workers. President Rajapksa was re-elected in January 2010, and his election manifesto also refers to child protection. It pledges to extend compulsory education age from 14 years to 16 years and to take steps to curb school dropouts. In addition, the manifesto pledges to have a police bureau attached to the National Child Protection Authority (NCPA) with adequate powers, independence and authority to deal with child abuse. (Note: there is a Police Bureau already attached to the NCPA.)

The government's current education policy contained in "The Education Sector Development Policy (ESDP) 2006-2010" does not explicitly refer to elimination of child labor. However, child labor is discouraged through a key component of the project which strives to promote school attendance and informal education. According to the World Bank, a main donor to the ESDP, the attendance rate for grades 1-9 increased from less than 80% prior to 2006 to more than 90% by 2009. Under the ESDP, about 43,000 out of school children (aged 6-14 years) have been brought into the education system between 2006-2007. The government provides free education up to university level and free school uniforms and subsidized transport to school children. In addition, the government also offers free breakfasts to over 500,000 school children from low income families. With UNICEF assistance, Sri Lanka has established over 1,100 child-friendly schools to encourage enrollment and retention. Despite these education achievements, Sri Lanka still faces challenges in providing equitable access to education for children, mainly in rural and formerly conflict areas. Quality of education in these areas is also a problem.

The Ministry of Finance and Planning has prepared a National Action Plan for Children (2010-2014) to replace the National Action Plan for Children (2004-2008) although it is yet to be published. According to officials at the National Planning Department, the new plan includes action plans to eliminate child labor and exploitative child labor.

The government's National Child Protection Authority (NCPA) is the lead agency charged with formulating policies and protecting children from all forms of abuse including trafficking and CSEC. The government is implementing a National Plan of Action on Trafficking in Children under the purview of the NCPA. Post is currently preparing a report on Trafficking in Persons which will provide additional information.

During 2009, the Ministry of Labor and Manpower convened a tripartite technical working group on exploitative child labor. The working group was charged with finalizing regulations to prohibit exploitative child labor. The Ministry of Labor and Manpower also participated in an ILO-sponsored initiative which seeks to

mainstream child labor into other development policies and planning.

Since the conclusion of the ILO-IPEC project in Sri Lanka, the government focus on combating exploitative child labor has diminished somewhat due to fiscal constraints.

Sri Lanka has ratified or signed the following international or regional conventions to combat trafficking:

- The SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution (ratified in 2002);
- The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Children and Women (signed in 2000, not ratified); and
- Optional Protocol to the Convention on the Rights of the Child on children, child prostitution, and child pornography (ratified in 2006).

2F) SOCIAL PROGRAMS TO ELIMINATE EXPLOITATIVE CHILD LABOR

The Ministry of Education is continuing its efforts to improve education for the children of plantation workers who are especially vulnerable to exploitative child labor. The Ministry of Education has recruited over 3,000 teachers for estate schools in 2007. The Ministry of Education is taking steps to hold additional classes for school children in secondary classes (year 10) in the plantation areas. Plantation companies which manage large government-owned plantations in Sri Lanka have also invested in social programs to encourage schooling and prevent children entering the labor force. As a result, some plantation children have entered university. According to one company, most children now study at least up to Ordinary Level Certificate (11 years of schooling). The ILO is collaborating with district level government officials and central government ministries in a Youth Employment Project in the plantation province of Sabaragamuwa. The project aims to strengthen the employment prospects of plantation youth over 14 years.

Social programs under the NCPA also exist for children orphaned by the tsunami. The NCPA has established a district-wide network consisting of NCPA, child rights promotion officers and probation officers to monitor the progress of orphan children.

A separate government led program exists for rehabilitation and re-integration of ex-child combatants of the TMVP and now-defeated LTTE. These children, numbering about 556 as of November 2009, are provided residential educational and vocational training facilities in two centers in Colombo and Vavuniya (Northern Province). Of the 556 ex-child combatants, 180 students sat for the O-level examination (after completing 11 years of schooling) in December 2009. They were provided with catch-up education classes to enable them to sit the examination. The government is taking action to re-unify these children with their families by allowing family visits at the two facilities. UNICEF maintains a database of children reported by their families as missing and recruited. There are five possible cases of child soldiers who were reported by their families as recruited by the TMVP. Since the children have not yet been located, their association with the TMVP cannot be confirmed or denied. Post is currently investigating this matter in detail for the 2010 Trafficking in Persons Report. There are also 33 outstanding cases of LTTE recruits. Following the conclusion of the war, these children are not presumed to be currently engaged in conflict - rather, they are unaccounted for despite UNICEF's and local authorities' investigations.